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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,028	12/10/2003	Chong-Min Wang	2450-0596P	5166
2292	7590	06/30/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			PATEL, NITIN	
			ART UNIT	PAPER NUMBER
			2629	

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/731,028	WANG, CHONG-MIN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Nitin Patel	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/10/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claim 1 is objected to because of the following informalities: In claim 1 line 5 "A controller" should be "a controller" and line 20 end of the sentence should be a comma or semicolon instead of a period. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hildebrandt et al., (US 20040246236) in view of Retter (U.S. Patent No. 4,913,573).

As per claim 1, Hildebrandt shows a portable presentation operating device (element 130 in fig.4a, 5a), for fully operating a presentation software in a computer via wireless communications (in fig.1 wireless communication with element 130), comprising: a remote controller (element 130 in fig.1), having a cursor control press button set (In section 0073) and a microcontroller (in section 0071) to control the cursor direction and speed, and said cursor control press button set having four cursor buttons respectively being Up, Down, Left, and Right buttons(In fig.5a); when one of said four cursor buttons being pressed, the cursor moving in the up, down, left, and right directions in respect to the corresponding Up, Down, Left, and Right buttons(in fig.5a and , a microcontroller(In section 0071 and 0072), for producing a control command to control the cursor direction according to the pressing of said four cursor press buttons,

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and control the cursor speed according to the time of pressing said cursor press button, a mouse press button set, disposed on said remote controller, and comprising a left mouse button and a right mouse button to produce said control command through said microcontroller(in section 0073) to execute the function of the presentation software at the cursor position; a power supply unit(element 510 in fig.5a), disposed on said remote controller for supplying the electric power required by said remote controller; a transmitting end for sending said control command in the form of a radio wave(in section 0072); and a receiver(in section 0072), having a USB connector coupled to the USB port of a computer for receiving the control command transmitted from said remote controller to control the presentation software and cursor movement of the computer(in section 0096-0099).

Hildebrandt does not specifically teach when any two cursor press buttons being pressed, the cursor moving at an angle of substantially 45 degrees towards a direction selected from the group of upper right, lower right, upper left, and lower left directions.

Retter shows when any two cursor press buttons being pressed, the cursor moving at an angle of substantially 45 degrees towards a direction selected from the group of upper right, lower right, upper left, and lower left directions (in col.9 lines 40-50)

It would have been obvious to one of ordinary skill in the art, at the time of the invention was made to have incorporated the teaching of Retter's with portable device of Hildebrandt's because it would have it would have allowed a user without requiring the hands to leave a specified position from the input device or portable device for user friendly device.

As per claim 2, Hildebrandt shows a portable presentation operating device, wherein said remote controller comprises a mode switching button for switching said presentation mode and media mode (in section 0080).

As per claim 3, Hildebrandt shows a portable presentation operating device, wherein said remote controller comprises a laser pointer button and a laser transmitting end; when said laser pointer button being pressed, said laser transmitting end transmitting a laser beam for users to point at a desired position by the laser beam (in section 0065).

As per claim 4, Hildebrandt shows a portable presentation operating device, wherein said remote controller comprises an operating press button set with two press buttons including an Up button and a Down button for switching the pages and scrolling the window respectively (in section 0086).

As per claim 5, Hildebrandt shows a portable presentation operating device, wherein said remote controller comprises a communication connection to call said receiver (in fig.1).

As per claim 6, Hildebrandt shows a portable presentation operating device, wherein said receiver comprises a connection button for setting up the communication connection to call said remote controller (in section 0090 and 0091).

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nitin Patel whose telephone number is 571-272-7677. The examiner can normally be reached on 8:00-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin H. Shalwala can be reached on 571-272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NP



June 23, 2006